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Chair: Mr. Pyaneandee (Vice-Chair)
later: Ms. Degener (Chair)

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In the absence of Ms. Degener, Mr. Pyaneandee, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Montenegro (CRPD/C/MNE/1; CRPD/C/MNE/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Montenegro took places at the Committee table.*

2. **Mr. Kulevija** (Montenegro), introducing his country's initial report (CRPD/C/MNE/1), said that Montenegro had ratified the Convention in 2009, thereby joining the group of States that sought to ensure the full and equal enjoyment of human rights and fundamental freedoms by all persons with disabilities. Under the Constitution of Montenegro, the provisions of the Convention were an integral part of the domestic legal order and took precedence over domestic legislation.

3. In recent years, Montenegro had strengthened its legislative and institutional framework for the protection of persons with disabilities. The Prohibition of Discrimination against Persons with Disabilities Act, for instance, had been adopted in 2015, and recent amendments to the Anti-Discrimination Act, an umbrella law, had brought it fully into line with relevant international standards. A number of strategies had been adopted to combat the discrimination faced by members of vulnerable groups. Those strategies sought, among other things, to ensure the integration of persons with disabilities, protect them from discrimination and promote equality. The Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020, which was modelled on the European Disability Strategy (2010-2020), involved an assessment of the results of the Strategy's previous iteration, for the period 2008-2016, and had been drafted in consultation with representatives of non-governmental organizations (NGOs) that campaigned for the rights of persons with disabilities.

4. A number of improvements had been made to the system of social and child protection in Montenegro, which included the adoption in 2013 of the Social and Child Protection Act and the introduction of licensing requirements for social workers. Families and individuals were entitled to some benefits, such as care and assistance allowances, personal disability allowances and compensation for the parent or guardian of a recipient of a disability allowance, regardless of their means. A person's health determined whether he or she was entitled to such benefits. The recipients of care and assistance allowances were also entitled to a number of other benefits.

5. Standards had been developed for the provision of counselling, mediation, therapeutic, accommodation and other services to persons with disabilities. Three residential institutions for elderly people and other adults could accommodate persons with disabilities. Home-based care was provided for some 1,200 older persons, most of them with disabilities. Some children with disabilities who were not cared for by their parents were placed in an institution. The country had 13 day-care centres for children with disabilities and a small home community for such children who were deprived of parental care. The safety of children in institutions, where punishment of any kind was prohibited, was guaranteed. Educational support was provided for the children, who were also entitled to free summer and winter holidays.

6. The standards for institutions accommodating adults with disabilities were similar to those for institutions for children. All persons in institutions, whether adults or children, were cared for by a team of experts and, insofar as was possible, they were consulted on matters affecting them. Legislation had also been adopted to ensure the exercise of the right of persons with disabilities to various forms of personal assistance.

7. There were legal incentives for the occupational rehabilitation and employment of persons with disabilities and rules for the financing of grants awarded by a fund set up to support the employment of persons with disabilities had been adopted in 2014 and amended in 2016. The sum of €6 million had been earmarked for the fund in 2017. In general, every

effort was made to ensure that persons with disabilities found jobs that corresponded fully to their needs and abilities.

8. Steps had been taken to bring Montenegrin legislation into line with the Convention and the country's own plans for promoting the rights of persons with disabilities. Since the amendment to article 42 (a) of the Criminal Code, for instance, committing crimes against persons with a disability out of hatred of such persons had been considered an aggravating circumstance. Criminals who victimized persons with disabilities could be charged under a specific article of the Criminal Code. Prisoners with disabilities were protected by law.

9. The system of inclusive education in Montenegro drew on European and other international standards. Children with disabilities attended kindergartens and mainstream schools. Integrated classes at regular schools were open to children with severe disabilities and special institutions had been transformed into centres of support for inclusive education.

10. In recent years, a large number of NGOs active in the field of disability rights had been consulted on the development of policies and laws affecting the lives of persons with disabilities. Other developments of relevance to such persons included the adoption of a rule book on the methods of medical rehabilitation in health-care institutions, amendments to the Spatial Planning and Construction Act and efforts to ensure the appropriate marking of parking spots reserved for persons with disabilities.

11. Montenegrins had won medals in a number of sporting events for persons with disabilities. The country had hosted two international tournaments for goalball, a Paralympic discipline designed for persons with visual disabilities.

12. NGOs played a major role in the implementation of the Convention in Montenegro. The funding that they received from the State enabled them to provide a large number of essential services. The continuing marginalization of persons with disabilities suggested, however, that further empowerment of the non-governmental and other sectors would be necessary if persons with disabilities in Montenegro were ever to fully enjoy their rights.

13. **Mr. Lovászy** (Country Rapporteur) said that Montenegro, which was among the countries that had ratified the largest number of international human rights instruments, had demonstrated its commitment to human rights. The protection of persons with disabilities was mentioned in the Constitution of Montenegro and it was in Montenegro that the first Braille version of the Convention in the Balkans had been published. Despite a number of other positive developments, however, much remained to be done.

14. The apparent lack of a general law or legal framework addressing all aspects of accessibility was one obstacle to the full implementation of the Convention in the State party. Accelerating the deinstitutionalization of persons with disabilities would enable the State party to meet a major requirement for the receipt of European structural and investment funds and thus overcome another obstacle to implementation of the Convention.

15. It would be interesting to learn more about the rules governing the financing of the grants awarded to support projects for the employment of persons with disabilities. In particular, he wondered whether the grants were awarded in transparent fashion and whether organizations of persons with disabilities had any say in the awards. He would welcome information on any plans that had been made to ensure a stable and sustainable financial situation for the NGOs that provided local services to persons with disabilities.

16. The delegation should comment on how the provisions regarding universal design in Montenegrin legislation translated into everyday life. Similarly, it would be interesting to know more about reasonable accommodation in the State party, both as it was addressed in the law and as it was provided — or not — in practice. In that connection, he asked whether the State party intended to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. It would also be interesting to know whether the State party had taken an official stance on the possible incompatibility of the Convention and the draft Additional Protocol to the Oviedo Convention on Human Rights and Biomedicine concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and treatment.

17. The adoption of the Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020 was a step forward, but he would welcome clarification of the areas of activity of the numerous strategies referred to in the replies of the State party to the list of issues (CRPD/C/MNE/Q/1/Add.1). In that connection, it would be interesting to learn about the expected outcomes of recently implemented strategies for the social inclusion of Roma and Egyptians, for protection from domestic violence, for sustainable development and for the advancement of female entrepreneurship. It was disappointing that the State party had not recognized Montenegrin Sign Language as an official language.

18. Although the compatibility of the State party's system of inclusive education with European legislation was commendable, the European Union had limited jurisdiction over education matters. The State party should therefore take inspiration in that connection from the Convention and the Committee's draft general comment on the right to inclusive education. As policy and programme planning required reliable data, the State party should also consider taking an improved approach to data collection.

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19. **Mr. Rukhledev** asked whether organizations of persons with disabilities, including representatives of the deaf community, had been invited to participate in the development of the Strategy for the Integration of Persons with Disabilities in Montenegro for the period 2016-2020. In addition, he wondered whether efforts to combat stereotypes about persons with disabilities were effective, whether the Government was considering recognizing sign language and, if so, whether there would be any public programmes to support its development.

20. **Mr. Kim** Hyung Shik said that he wished to know how often the Council for the Care of Persons with Disabilities met and what some of its most significant achievements had been. It would be preferable for the name of the Council to refer not to the "care" of persons with disabilities, a word that struck a paternalistic note, but to their rights.

21. **Mr. Ishikawa** asked whether the Anti-Discrimination Act contained a provision stating that the denial of reasonable accommodation constituted an act of discrimination.

22. **Mr. Langvad** asked how the State party had evaluated the Strategy for the Integration of Persons with Disabilities for the period 2008-2016 and what the outcome of the Strategy had been. In addition, he wished to know what funding had been set aside for the implementation of the new version of the Strategy for the period 2016-2020, how the State party intended to monitor the implementation of the Strategy and how it intended to involve organizations of persons with disabilities in its monitoring efforts.

23. The State party should indicate when it intended to develop a plan for the deinstitutionalization of persons with disabilities. The opening address by the head of the delegation seemed to suggest that younger persons with disabilities sometimes lived in institutions for much older persons. Such arrangements, if made against the will of the young persons concerned, constituted a violation of the Convention. Deinstitutionalizing persons with disabilities would enable the State party to optimize European Union funding by using it to build inclusive accommodation rather than to maintain residential institutions.

24. **Mr. Chaker** said that he would appreciate information on steps taken to ensure that children with disabilities had equal access to community-based programmes and services and on the human and financial resources allocated.

25. **Mr. Basharu** said that he wished to know whether the Government would consider adopting a single definition of disability in line with the Convention. He would also appreciate information on steps taken to include persons with disabilities and their representative organizations in awareness-raising campaigns and on efforts to portray persons with disabilities positively in the media. Lastly, he wished to know what progress had been made in improving accessibility in the State party since the submission of its report, particularly with regard to access to the physical environment and to information and communications technology.

26. **Mr. Martin** said that he wished to know what was being done to assist and strengthen organizations of persons with disabilities in supporting persons with intellectual and psychosocial disabilities.

27. **Mr. Buntan** said that he would appreciate any information or statistics on the number of persons with disabilities who had been able to file complaints under the Anti-Discrimination Act. He asked whether there were any legal remedies for persons with disabilities whose rights had been violated or who had been subject to discrimination. Moreover, he wished to know whether there was any kind of public procurement in the State party and, if so, whether it had been used as a means of promoting accessibility, particularly in transportation and communications. He also asked whether there were any legally enforced accessibility standards or sanctions against persons or bodies who failed to comply with those standards.

28. **Mr. Tatić** said that he wished to know whether anyone had yet been tried under the Criminal Code since it had been amended to provide harsher sanctions for discrimination. He would also welcome updated information on a case in which a person with disabilities had been unable to obtain access to a health-care centre in Podgorica; the case had been reported to the relevant complaints mechanism, but the recommendation made by the mechanism with a view to remedying the situation had not yet been implemented.

29. He would appreciate further information on any measures taken by the State party to protect women and girls with disabilities from violence, exploitation, degrading treatment and all kinds of discrimination, including intersectional discrimination.

30. Drawing the State party's attention to the Committee's general comment No. 2 on article 9 (Accessibility), which was available in a number of Eastern European languages, he said that he would welcome information on any cases where sanctions had been imposed on persons or bodies that had not implemented accessibility standards. He wished to know whether there was any training on accessibility for students of architecture, urban planning or similar subjects, or any mandatory courses on accessibility for civil servants or other professionals.

31. He asked what steps had been taken to ensure that the new universal emergency helpline was accessible to deaf persons, whether automatic teller machines were fully accessible for blind persons and what support was provided for wheelchair users in airports, hotels and government buildings.

32. **Mr. Alsaif** said that he would appreciate confirmation that reasonable accommodation and affirmative action were universally available to persons with disabilities and that discrimination against persons with disabilities was prohibited in all situations. He would be grateful for any available statistical information on children with disabilities and asked how early intervention services distinguished between diseases and disabilities. He asked what legal and administrative guarantees were in place to provide day care for children with disabilities.

33. **Mr. Babu** said that he would appreciate further information on the rules and safeguards that ensured that NGOs and civil society organizations were able to assist in developing public policy, and on the procedure governing cooperation between NGOs and public authorities.

34. **Mr. Kabue** said that it appeared that persons with disabilities had not been consulted in developing certain laws that affected them and that other laws had been changed without their knowledge. He therefore wished to know how the Government planned to cooperate with persons with disabilities and their representative organizations on policy formulation, development and follow-up. He asked what the impact of the Anti-Discrimination Act had been since its entry into force; how many cases of violations of the rights of persons with disabilities had been heard under the Act; and whether reasonable accommodation had been taken into consideration during the development of the Act, given that it was not explicitly mentioned in the text.

35. **Mr. Ruskus** said that definitions of disability in the State party varied between sectors, did not necessarily conform with the Convention and emphasized impairments while ignoring societal barriers to participation. Moreover, the rights-based concept of

disability was not mainstreamed across all sectors and the medical model was widely used. The Strategy for the Integration of Persons with Disabilities for the period 2016-2020 contained no schedule for adopting a single definition in line with the Convention, or for mainstreaming and applying such a definition in all sectors, including in disability determination mechanisms. He wished to know how the Government planned to harmonize its definition of disability with the Convention in order to ensure that all persons with disabilities were able to receive support and participate in society.

36. It appeared that programmes and measures to protect women with disabilities from discrimination, violence and other degrading treatment had not been implemented. The reported number of cases of women with progressive neurological or genetic diseases who faced discrimination, abuse or abandonment was a matter of great concern. He wished to know how the State party would address the issue.

37. **The Chair** said that he wished to know what legal structures were in place to protect the right to life, including in cases of assisted suicide and abortion.

38. **Mr. Lovászy** said that the State party should clarify some of the terms that it had used in its initial report, including "mentally ill", "emotional impairments" and "emotional capacity", and asked how such terminology would be harmonized with the Convention.

39. He wished to know whether there were any special protection services for persons with disabilities, apart from the national emergency helpline, and what kinds of information and means of communication were accessible to women with sensory impairments or intellectual or psychosocial disabilities. He would welcome further information on the protocol for cooperation to combat child abandonment agreed between the Ministry of Labour and Social Welfare and the Ministry of Education and Science and on the pilot project on family outreach conducted by those ministries. He also wished to know whether there was a comprehensive road map on increasing the accessibility of public transport and buildings, including signals for pedestrians and clear signposting. He would be grateful for further information on the status of 13 buildings that were to be made accessible, as it appeared that only 11 of them had been adapted, to date.

40. As there were reportedly only nine registered sign language interpreters in Montenegro, he asked why there were no sign language programmes at Montenegrin universities and whether there were any plans to invest in sign language provision and education.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

41. *Ms. Degener took the Chair.*

42. **Mr. Kuševija** (Montenegro) said that the Government had been implementing a deinstitutionalization policy in recent years and day-care centres for children with disabilities had been opened regularly since 2003. There was also a small group home where children with disabilities without parental care could be accommodated and negotiations were ongoing to obtain funds to build a new home. Further day-care centres for children, adults and older persons with disabilities were planned and would help those persons integrate into the local community and remain close to their families and educational establishments. Under the deinstitutionalization policy, each institution for children with disabilities had its own transformation plan; the Komanski most Institute, for example, had stopped accommodating minors and was developing assistance measures in accordance with its plan. Children under 3 years of age were no longer institutionalized unless all other possibilities had been exhausted and there were no children in that age group in the Madost orphanage in Bijela.

43. The Government was legally obliged to invite NGOs to cooperate in the development of new legislation. An online process enabled NGOs to register their interest and the organization with the most support was invited to send a representative to a policy working group. The Council for the Care of Persons with Disabilities invited NGOs to cooperate in the same manner and currently had five NGO representatives.

44. Under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, an emergency helpline had been piloted in 2015

for victims of domestic violence and had been operated by an NGO that ran a similar helpline. The project had been expanded in 2017 and provided services in languages other than Montenegrin. In accordance with the Social and Child Protection Act, relevant NGOs would receive government authorization to expand the service further to include sign language and increase accessibility. Religious organizations could also be licensed to provide such services if they employed personnel with relevant experience. Beneficiaries of those services had the right to choose their service providers, all of which were subject to government inspection and listed in a register.

45. The system of financing services for persons with disabilities was being developed and could be finalized when the relevant NGOs and service providers had been licensed. Day-care centres for children with disabilities received State funding of €150 per child from the Ministry of Labour and Social Welfare.

46. **Ms. Medojević** (Montenegro) said that the Government had allocated over €1 million from the revenue derived from games of chance to finance plans and programmes jointly with NGOs and civil society organizations, many of which aimed to raise awareness of persons with disabilities and strengthen their capacities. Owing to amended legislation on financing and with a view to distributing the funding fairly, the Government was carrying out a sectoral analysis of strategies, documents and regulations to ensure that the requirements of NGO projects were met in the 2018 State budget. The analysis was being conducted in consultation with interested NGOs and would also be used to determine which NGO projects or programmes would be financed.

47. Regarding the definition of disability, it should be recalled that the majority of laws adopted after ratification of the Convention had used the Committee's definitions, unless it had been necessary to use specific terminology. The Government aimed to harmonize all definitions with the Convention by means of action plans.

48. **Ms. Đurić** (Montenegro), replying to questions about the participation of organizations of persons with disabilities in policymaking, said that a government office oversaw cooperation with NGOs. Organizations of persons with disabilities were represented through the Council for the Care of Persons with Disabilities, though its status in the advisory process had recently been downgraded. The Government, when deciding how to allocate support, was obliged to choose the entities or projects deemed most worthy by NGOs. That meant that it could not, for example, insist that an organization representing persons with a particular type of impairment be chosen. The Government held public consultations when adopting texts of relevance to persons with disabilities. Representatives of civil society were also included in the development of education policy. Her Government's cooperation with NGOs was intensive and often productive.

49. The working group in charge of preparing the report to the Committee had included representatives of all 15 government ministries. NGOs had been invited to nominate candidates for three seats in the working group to be filled by representatives of civil society, but the NGO sector had found that three was an insufficient number and had preferred instead to prepare its own report on the subject. Some NGOs had nevertheless officially provided input to the Government-led drafting process, in the context of public consultations on the report.

50. Work to meet the needs of persons with disabilities was funded largely through taxes on games of chance. Some 40 per cent of the funds were spent on programmes benefiting persons with disabilities, while the remaining 60 per cent were used either to fund the work of other NGOs or for other purposes.

51. Organizations of persons with disabilities were also involved in her country's negotiations on accession to the European Union, particularly negotiation chapters 19, which concerned social policy and employment, and 23, on judiciary and fundamental rights.

52. Replying to a question about ensuring the safety of persons with disabilities, particularly children, and especially those in institutions, she said that very few persons with disabilities in Montenegro lived in institutions. There was an individual development

plan for each child. Institutions were monitored by both the Government and the national torture prevention mechanism.

53. **Ms. Popović** (Montenegro), speaking about her Government's cooperation with organizations of persons with disabilities, said that, in addition to legally mandated cooperation with such organizations during the drafting of laws, joint media campaigns were organized regularly. There were also joint events for sharing views, experiences and best practices. Her Government kept such organizations informed about those of its activities that were relevant to persons with disabilities. As for the question about the monitoring of the implementation of the Strategy for the Integration of Persons with Disabilities for the period 2016-2020, she said that organizations of persons with disabilities were represented in the various entities involved in monitoring implementation of the Strategy. NGOs had also participated in the preparation of guidelines for the use of rehabilitation in treatment.

54. Replying to a question about reasonable accommodation, she said that article 18 of the most recent amendment to the Prohibition of Discrimination against Persons with Disabilities Act defined reasonable access or accommodation. Legal persons that were required to provide access to certain buildings and facilities for persons with disabilities but failed to do so were subject to large fines.

55. Regarding complaints of discrimination against persons with disabilities, she said that the Office of the Ombudsman was required to keep records of all complaints of alleged discrimination. Since 2010, the Office had recorded a handful of complaints per year, with various outcomes. Since 2009, at least no criminal proceedings had been instituted relating to cases involving such discrimination. Discrimination suffered by women with disabilities was addressed in several regulations and strategic documents. For example, the Ministry of Human and Minority Rights recognized multiple discrimination through the Strategy for the Protection of Persons with Disabilities against Discrimination and Promotion of Equality for the period 2017-2021. The Action Plan for Achieving Gender Equality included a special focus on women with disabilities. The Anti-Discrimination Act included gender as a ground for discrimination and the Prohibition of Discrimination against Persons with Disabilities Act also recognized discrimination based on sex or gender. Those laws contained sanctions for multiple discrimination.

56. Regarding training, she said that for some years the Ministry of Human and Minority Rights had been conducting training for public servants in combating discrimination. Groups targeted to date included judicial workers, police officials and social workers. Upcoming training for those working with vulnerable social groups would include a module on discrimination against persons with disabilities.

57. **Ms. Klikovac** (Montenegro) said that the health-care system in Montenegro considered all citizens equal before the law. Key laws governing the sector were the Health Insurance Act and the Patients' Rights Act. While she could not say with certainty that there was no discrimination whatsoever in the health-care system against persons with disabilities, it was not systemic. Any discrimination was perpetrated by individuals and subject to punishment.

58. As for mental health, she said that the Government was preparing a new law on the subject that would be harmonized with European Union legislation and with international instruments to which Montenegro was a party. The Ministry of Health had established a commission on mental health, which would draw up a strategic document and a one-year action plan. All three documents were expected to be finalized in 2018.

59. Regarding sign language, she said that every health-care institution in Montenegro had at least one staff member trained in the use of sign language. Furthermore, under the Constitution, patients using non-official languages were to be provided with interpretation services. As for the reported complaints about the accessibility of health-care centres in Podgorica, she said that the Ministry of Health had instructed the relevant authorities to make the necessary adjustments. She understood that those adjustments were being planned and would be completed by mid-2018. She added that it was not true that people with multiple sclerosis received no medical treatment or support.

60. Replying to a question about the exercise of the right to health protection, she said that she could provide data showing that all health-care establishments had protected the rights of their patients. There was a national quality control commission, and each establishment had its own quality control commission. During the past two years there had been no complaints by persons with disabilities.

61. Amendments to the Abortion Act had been proposed by NGOs representing persons with disabilities. The Ministry of Health was of the view that the Act should not be amended for the time being. Although it was necessary, it would be difficult to harmonize the Patients' Rights Act with the Abortion Act. The first provided that no medical procedures could be performed, including on pregnant women or persons with disabilities, without the written consent of the patient, while the second stated that abortions could be performed only if the woman's life or health was in danger.

62. **Ms. Milić** (Montenegro) said that efforts had been made to standardize Montenegrin Sign Language, with input from the Ministry of Education, representatives of persons with hearing impairments and experts from the Resource Centre for Hearing and Speech Disorders in Kotor. One-handed and two-handed signs for new letters of the Montenegrin language had been developed, as well as a basic vocabulary of the standardized Montenegrin Sign Language.

63. With regard to institutionalization, special institutions had been transformed into resource centres. There were three such centres in Montenegro: one for hearing and speech impairments, one for intellectual disabilities and autism and one for physical and visual impairments. The resource centres focused on the question of how to offer inclusive education for children with disabilities. For instance, mobile support teams had been established to assist children with disabilities in mainstream schools. The resource centres offered disability-focused training to staff members, had offices dealing with assistive technology and cooperated closely with NGOs in the drafting of strategies. The centres also stressed the importance of early intervention for persons with disabilities and paid particular attention to vulnerable categories of the population. Training sessions were provided in the centres for kindergarten staff working with children with disabilities. Moreover, a project had been developed, with the support of the United Nations Children's Fund (UNICEF), which sought to train employees of child day-care centres on how to recognize signs of abuse, neglect or violence in children.

64. The course programme for students of architecture did not contain a separate module on the issue of accessibility for persons with disabilities, although the issue was included in a general manner within all architectural studies. Students of architecture were required to consult with persons of disabilities during their studies on the issue of accessibility.

65. **Ms. Raičević** (Montenegro) said that the Spatial Planning and Construction Act of 2008 and the rulebook on detailed conditions and methods of adjusting facilities for access and movement of persons with reduced mobility provided for the accessibility of public buildings for persons with disabilities. From the beginning of the construction process to its completion, emphasis was placed on the issue of accessibility. Project design documentation and the construction of buildings was overseen by supervisory bodies to ensure compliance with technical requirements. Upon completion of the building, a technical building commission inspected the construction and made the final decision as to whether to grant the building a permit.

66. The main challenge lay in ensuring the accessibility of buildings that had been constructed prior to the introduction of the Spatial Planning and Construction Act. A new law was currently being drafted in that regard. Workshops and round tables on the issue of accessibility were held regularly at both the municipal and the national level. An action plan to adapt public buildings for access and movement of persons with reduced mobility and persons with disabilities required local governments to inform the relevant national authorities of activities undertaken to improve the accessibility of buildings. Out of the 23 local governments, 19 had produced detailed plans of their buildings in public use. The action plan also provided for databases to be created at local and national level to analyse the accessibility of buildings. Under the action plan, 70 priority buildings had been selected from across the country for adaptation purposes. Although there was a lack of funding, the

Government aimed to adapt as many of the priority buildings as possible in order to improve their accessibility for persons with disabilities.

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67. **Mr. Langvad** said that he would like to know why the Government had not cooperated with organizations of persons with disabilities before deciding to use revenues from taxes on games of chance to fund services for such persons and whether it intended to do so in the future. He asked whether the Government was taking steps to ensure that small group homes for persons with disabilities were not becoming institutions, whether any initiatives had been planned to ensure independent living schemes for those in need of 24-hour assistance and how the State party guaranteed that persons with disabilities did not live in care settings with persons with whom they did not get along.

68. **Mr. Martin** said that he would appreciate a comment from the delegation on how the State party intended to repeal guardianship laws and put into place supported decision-making for persons with disabilities. He sought clarification on whether persons deprived of legal capacity were informed about their rights. Noting with regret that persons with intellectual disabilities in Montenegro were kept in institutions, he asked why the practice persisted and whether the Government planned to close such institutions to allow persons with disabilities to live in communities. In that connection, he would welcome information on the precise number of persons with disabilities living in open and closed institutions.

69. **Mr. Tatić** said that the number of cases taken to court per year related to disability-based discrimination was fairly low and he wondered why persons with disabilities were not making more use of the available legal frameworks and submitting more complaints to the relevant authorities in order to protect their rights. He would be interested to hear about the ways in which information on natural disaster risks was delivered in accessible formats to persons with disabilities, whether via sign language and subtitling for persons with hearing impairments, Braille for persons with visual impairments and easy-to-read formats for persons with intellectual disabilities.

70. He would appreciate a comment on the options available to persons with disabilities requiring 24-hour personal assistance and on whether the newly adopted Social and Child Protection Act explicitly provided for personal assistance for such persons. He asked how personal assistants were selected, what criteria were used to select beneficiaries of such services and how many persons with disabilities were currently receiving personal assistance.

71. **Mr. Ruskus** said that he was concerned that persons with disabilities deprived of legal capacity were placed under the guardianship of Centres for Social Work. Existing provisions on legal capacity in Montenegro were not consistent with the human rights-based model of disability and the right to equal recognition before the law. He would like to know the number of persons with disabilities placed under guardianship, whether the Government intended to amend the Family Act to bring it into line with the Convention and whether steps were being taken to restore full legal capacity for persons with disabilities and to promote supported decision-making. He regretted that persons with psychosocial disabilities often stayed for long periods of time in psychiatric hospitals or social care institutions as a result of the lack of available community-based services. He asked how the rights and freedoms of such persons were ensured, to what extent the policy of free and informed consent was guaranteed and how the Government monitored social care institutions.

72. **Mr. Kim** Hyung Shik said that he would welcome further clarification on the policy of institutionalization adopted by the State party. He was unsure that it was in line with the Convention.

73. **Mr. Ishikawa** said that he wished to know whether the Government was collecting data on the average length of hospitalization for persons with psychosocial disabilities and the number of involuntary hospitalizations. He also noted that the Discrimination against Persons with Disabilities Act considered the inaccessibility of buildings and services a form of discrimination only against persons with reduced mobility and not against persons with other types of disability.

74. **Mr. Rukhlieder** said that he would appreciate more information on how the legal capacity of persons with disabilities was ensured. He wanted to know whether such persons were entitled to own property and receive personal inheritance and whether they were able to obtain bank loans and mortgages. He also asked whether sign language interpretation was provided in administrative and non-judicial procedures, who paid for such services and whether associations of deaf and hard-of-hearing persons participated in assessing the qualifications of sign language interpreters.

75. **Mr. Basharu** said that the State party needed to update its use of language towards persons with disabilities, in view of the fact that the State party report included non-conventional terms, such as "deaf-mute" and "dumb". He would like to be informed about accommodation available to persons with disabilities, whether such persons had access to information through sign language, Braille and easy-to-read text formats, whether mobility assistive devices were available at an affordable cost and what kind of training was offered to users of such devices.

76. **Mr. Buntan** said that he would be interested to know whether the State party intended to adopt the practices and policies contained in the Sendai Framework for Disaster Risk Reduction, which would ensure accessibility for persons with disabilities during disasters or emergencies and would help to promote the idea that such persons could contribute to building safer and more resilient societies. He also asked whether persons deprived of legal capacity were qualified to stand trial and whether persons with intellectual or psychosocial disabilities who had committed a crime were allowed to stand trial or were sent directly to psychiatric facilities.

77. **Mr. Chaker** said that he would welcome information on existing coordination mechanisms between risk prevention bodies and organizations of persons with disabilities. He asked whether shelters and assistive devices were available to persons with disabilities during emergency situations and what information on risks and emergencies was available in accessible format for such persons.

78. **Mr. Parra Dussan** said that he would like to know whether persons with disabilities were restricted from assuming positions within the judicial system, as judges or notaries, for example.

79. **The Chair** said that she would appreciate statistics on the numbers of persons with disabilities placed under guardianship since the ratification of the Convention by the State party and precise figures for the amount of money invested in supported decision-making regimes since the entry into force of the Convention. She was concerned that the Protection and Rights of Mentally Ill Persons Act entitled police officers to arrest a person on suspicion of the person's having a psychosocial disability. The same law also provided for biomedical research to be carried out on persons with disabilities without their free and informed consent. Such provisions were in conflict with the Convention and she wondered whether the State party would consider repealing the relevant articles.

80. **Mr. Lovászy** said that he wished to know whether there had been cases in which children with disabilities had been able to participate in judicial proceedings that concerned them. In addition, he noted that, if blind people were unable to sign documents for themselves, they were obliged to provide a fingerprint of their right index finger. He wondered whether such persons were consequently classified as illiterate. He would welcome more information on the safeguards available to patients in psychiatric institutions to protect them from abusive doctors and on the conditions under which patients were able to leave such institutions. Furthermore, he asked for further clarification on the situation at the Komanski most Institute, and whether the perpetrators of ill-treatment had been prosecuted. He would like to know whether the benefit entitlements for persons with disabilities were in line with the Convention and whether claims that the procedure for obtaining benefits was complicated and involved additional costs for applicants were justified.

The meeting rose at 6.05 p.m.